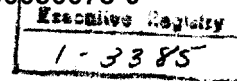


RESTRICTED



OGC REVIEW
COMPLETED



1 November 1950

MEMORANDUM FOR: THE DEPUTY DIRECTOR

SUBJECT: Employment of Retired Officers

1. Statutory prohibition on normal employment of retired officers has been discussed elsewhere. We know of but one manner in which we may make use of retired officers otherwise barred. This is by appointment as an intermittent consultant for duties purely advisory in nature, generally performed at infrequent intervals and paid for on a fee basis, as distinguished from a time basis. The Comptroller General has ruled that such payments are not subject to the dual compensation laws, but no one of the elements enumerated is determinative, on the contrary, the absence of any one element is sufficient to take a particular case out of this exception and would require collection back from the officer of his retired pay on the days for which he was paid as a consultant.

25X1A

LAWRENCE R. HOUSTON
General Counsel
Legal Staff